

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

Patti Hidalgo Menders, et. al.,

Plaintiffs,

v.

Loudoun County School Board,

Defendant.

Case No. 1:21-cv-00669

**PLAINTIFFS' RESPONSE TO DEFENDANT'S NOTICE CONCERNING  
WHAT ISSUES REMAIN TO BE DECIDED IN THIS CASE**

Plaintiffs note that Defendant's notice concerning its position on the issues that remain to be decided asks this Court to dismiss Plaintiff's claims for injunctive and declaratory relief as moot. *See* Dkt. No. 71, at 7. This request for dismissal is improper because Defendant has not filed a motion for such relief as Federal Rule of Civil Procedure 7(b)(1) requires ("A request for a court order must be made by motion."). Thus, if Defendant seeks dismissal on mootness grounds, then it must file a motion. In the alternative, if the Court deems Defendant's notice equivalent to a motion, Plaintiffs request a briefing schedule, with Plaintiffs' brief in opposition due July 28, 2023.

Dated: July 2, 2023

Respectfully Submitted,

/s/ Jeffrey D. Jennings  
Jeffrey D. Jennings\*  
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